

EXHIBIT 1



From: Sheasby, Jason
Sent: Monday, December 18, 2023 8:21 AM
To: Michael McKeon
Cc: FISH SERVICE Samsung/Netlist 22cv00293; ~Smith, Melissa; tom@gillamsmithlaw.com; bnester@cov.com; aahn@cov.com; #Netlist-Samsung293; ~Baxter, Samuel; jtruelove@mckoolsmith.com
Subject: Re: Netlist v. Samsung

Looking at the schedule we are happy to give you until January 5 to file your response to the MSJ opposition. This gives you 25 days.

Thanks
JS

From: Jason Sheasby <JSheasby@irell.com>
Date: Monday, December 18, 2023 at 7:19 AM
To: Michael McKeon <McKeon@fr.com>
Cc: FISH SERVICE Samsung/Netlist 22cv00293 <FISHSERVICESamsung/Netlist22cv00293@fr.com>, Melissa ~Smith <melissa@gillamsmithlaw.com>, "tom@gillamsmithlaw.com" <tom@gillamsmithlaw.com>, "bnester@cov.com" <bnester@cov.com>, "aahn@cov.com" <aahn@cov.com>, #Netlist-Samsung293 <Netlist-Samsung293@irell.com>, "~Baxter, Samuel" <sbaxter@mckoolsmith.com>, "jtruelove@mckoolsmith.com" <jtruelove@mckoolsmith.com>
Subject: Re: Netlist v. Samsung

Like I said we are happy to give some extra time around the holidays. But in light of your positions below it seems this MSJ needs to be decided promptly.

JS

From: Michael McKeon <McKeon@fr.com>
Date: Monday, December 18, 2023 at 7:11 AM
To: Jason Sheasby <JSheasby@irell.com>
Cc: FISH SERVICE Samsung/Netlist 22cv00293 <FISHSERVICESamsung/Netlist22cv00293@fr.com>, Melissa ~Smith <melissa@gillamsmithlaw.com>, "tom@gillamsmithlaw.com" <tom@gillamsmithlaw.com>, "bnester@cov.com" <bnester@cov.com>, "aahn@cov.com" <aahn@cov.com>, #Netlist-Samsung293 <Netlist-Samsung293@irell.com>, "~Baxter, Samuel" <sbaxter@mckoolsmith.com>, "jtruelove@mckoolsmith.com" <jtruelove@mckoolsmith.com>
Subject: RE: Netlist v. Samsung

See my responses below. Thanks, Mike.

Michael J. McKeon :: Fish & Richardson P.C. :: 202-626-6448

From: Sheasby, Jason <JSheasby@irell.com>
Sent: Monday, December 18, 2023 10:04 AM
To: Michael McKeon <McKeon@fr.com>
Cc: FISH SERVICE Samsung/Netlist 22cv00293 <FISHSERVICESamsung/Netlist22cv00293@fr.com>; melissa@gillamsmithlaw.com; tom@gillamsmithlaw.com; bnester@cov.com; aahn@cov.com; #Netlist-Samsung293 <Netlist-Samsung293@irell.com>; Sam Baxter <sbaxter@mckoolsmith.com>; jtruelove@mckoolsmith.com
Subject: Re: Netlist v. Samsung

Mike:

I think for us to take a position on all of this we need you to answer some questions which I sent you in an email ad which you ignored. I am repeating them below:

Counsel:

In light of the Court's ruling denying the motion to stay, please answer the following questions:

1. Is Samsung maintaining a license defense as to the products at issue in Samsung I and Samsung II? This has two parts: Is Samsung maintaining that the products are covered by the JDLA? Is Samsung maintaining the JDLA is still in effect?

Yes, we are of course maintaining the defense in EDTX and coverage (just like in the first case). And the court in CD Cal is dealing with the issue of whether the JDLA has been breached and whether it was properly terminated. Our position in CD Cal is clear.

1. Is Samsung withdrawing its motion to vacate the judgement in Samsung I?

No.

From: Michael McKeon <McKeon@fr.com>
Date: Monday, December 18, 2023 at 6:46 AM
To: Jason Sheasby <JSheasby@irell.com>
Cc: FISH SERVICE Samsung/Netlist 22cv00293 <FISHSERVICESamsung/Netlist22cv00293@fr.com>, Melissa ~Smith <melissa@gillamsmithlaw.com>, "tom@gillamsmithlaw.com" <tom@gillamsmithlaw.com>, "bnester@cov.com" <bnester@cov.com>, "aahn@cov.com" <aahn@cov.com>, #Netlist-Samsung293 <Netlist-Samsung293@irell.com>, "~Baxter, Samuel" <sbaxter@mckoolsmith.com>, "jtruelove@mckoolsmith.com" <jtruelove@mckoolsmith.com>
Subject: RE: Netlist v. Samsung

Thanks for considering Jason.

Our main request is that we should not have to file until 14 days after Court rules on our motion to strike (if it is denied) and in alternative 14 days beyond current deadline of Jan 3. On the 14 days alternative, holidays and new counsel will be handling this.

Thanks, Mike.

Michael J. McKeon :: Fish & Richardson P.C. :: 202-626-6448

From: Sheasby, Jason <JSheasby@irell.com>

Sent: Monday, December 18, 2023 9:20 AM

To: Michael McKeon <McKeon@fr.com>

Cc: FISH SERVICE Samsung/Netlist 22cv00293 <FISHSERVICESamsung/Netlist22cv00293@fr.com>; melissa@gillamsmithlaw.com; tom@gillamsmithlaw.com; bnester@cov.com; aahn@cov.com; #Netlist-Samsung293 <Netlist-Samsung293@irell.com>; Sam Baxter <sbaxter@mckoolsmith.com>; jtruelove@mckoolsmith.com

Subject: Re: Netlist v. Samsung

Mike.

If you would like a bit of extra time because of the new year we are happy to consider.

But the amount of time you are requesting seems excessive.

Can you explain?

Best

JS

On Dec 18, 2023, at 7:43 AM, Michael McKeon <McKeon@fr.com<<mailto:McKeon@fr.com>>> wrote:

Thanks for your response.

We will be filing a motion to extend time to file response to the SJ motion keyed off Court's ruling on strike motion or, alternatively 14 days. We assume you oppose but please confirm your position.

Thanks, Mike.

Michael J. McKeon :: Fish & Richardson P.C. :: 202-626-6448

From: Sheasby, Jason <JSheasby@irell.com<<mailto:JSheasby@irell.com>>>

Sent: Saturday, December 16, 2023 12:01 PM

To: Michael McKeon <McKeon@fr.com<<mailto:McKeon@fr.com>>>

Cc: FISH SERVICE Samsung/Netlist 22cv00293

<FISHSERVICESamsung/Netlist22cv00293@fr.com<<mailto:FISHSERVICESamsung/Netlist22cv00293@fr.com>>>; melissa@gillamsmithlaw.com<<mailto:melissa@gillamsmithlaw.com>>; tom@gillamsmithlaw.com<<mailto:tom@gillamsmithlaw.com>>; bnester@cov.com<<mailto:bnester@cov.com>>; aahn@cov.com<<mailto:aahn@cov.com>>; #Netlist-Samsung293 <Netlist-Samsung293@irell.com<<mailto:Netlist-Samsung293@irell.com>>>; Sam Baxter <sbaxter@mckoolsmith.com<<mailto:sbaxter@mckoolsmith.com>>>; jtruelove@mckoolsmith.com<<mailto:jtruelove@mckoolsmith.com>>

Subject: Re: Netlist v. Samsung

[This email originated outside of F&R.]

No. We will not be withdrawing the motion.

Best

JS

On Dec 16, 2023, at 9:00 AM, Michael McKeon

<McKeon@fr.com<<mailto:McKeon@fr.com><<mailto:McKeon@fr.com>%3c<mailto:McKeon@fr.com>>>> wrote:

Counsel:

In light of the order issued on Thursday relating to Samsung's motion to stay (including the Court's reasoning therein), we assume you will be withdrawing your motion for summary judgment regarding Samsung's license defense (which subsumes the breach/termination and materiality issues clearly at issue in CD Cal.).

Please confirm no later than 1 pm ET on 12/18. Absent withdrawal, we intend to move to strike this very clearly improper motion.

Best, Mike.

Michael J. McKeon :: Fish & Richardson P.C. :: 202-626-6448

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